

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CR. S-01-295-DFL

v.

O R D E R

JOVITA R. MERCADO,

Defendant.

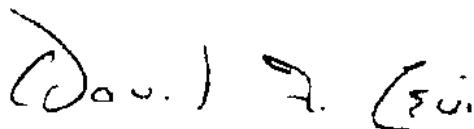
/

Defendant Jovita R. Mercado seeks an order by the court discharging the remaining balance on her restitution obligation in return for a lump sum payment of \$50,000. At present, Mercado owes over \$600,000 in restitution. She is making restitution payments of \$200 per month as a condition of supervised release. According to defendant, supervised release will terminate in February 2007. Although it is not entirely clear from the motion, it appears that defendant is attempting to discharge her restitution obligation now so that she does not face collection activity by the government or the victims after her discharge from supervised release.

1 The motion is DENIED. Defendant fails to show that the
2 current restitution schedule is a financial hardship. Indeed,
3 the very fact that defendant is capable of raising \$50,000
4 demonstrates that the monthly payments are not oppressive.
5 Moreover, for the reasons stated in the government's opposition,
6 the court has no authority to reduce or discharge defendant's
7 restitution obligation. Nor would it do so, if it had the
8 authority, given that defendant owes a great deal of money to the
9 victims and may have some assets that could be liquidated for
10 their benefit.

11 IT IS SO ORDERED.

12 Dated: 8/24/2006

13
14 
15 DAVID F. LEVI
16 United States District Judge

17
18
19
20
21
22
23
24
25
26